

Colonel Kirk Gibbs
District Engineer, Los Angeles District
U.S. Army Corps of Engineers
Attention: Kathleen Tucker
Regulatory Division
3636 N. Central Avenue, Suite 900
Phoenix, AZ 85012-1939

Subject: Public Notice (PN) SPL-2003-00826-KAT for Phase 1 Villages at Vigneto, Benson,
Cochise County, Arizona

Dear Colonel Gibbs:

Thank you for the opportunity to comment regarding the Corps' re-evaluation of the §404 CWA permit that was issued for the project formerly known as Whetstone Ranch on June 21, 2006. EPA recommends that during permit re-evaluation the Corps' assess the potential impacts of the 12,399-acre proposed master planned community as described in the *Villages at Vigneto Final Community Master Plan and Development (2016 Master Plan)*. In addition, we recommend that the mitigation plan be updated to comply with the 2008 Corps/EPA Mitigation Rule (40 CFR 230 Subpart J) and Corps South Pacific Division (SPD) Mitigation Guidelines.

The 2006 permit was issued for an 8,212-acre master planned community that would result in the permanent fill of 51 acres of waters of the United States. This project has remained unbuilt and on July 18, 2016, the City of Benson approved the *Villages at Vigneto Final Community Master Plan and Development (2016 Master Plan)* that includes the 8,212-acres and an additional 4,187

Ex. 5 - Deliberative Process

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previous letters to the Corps remain (attached).¹

Thank you for the opportunity to provide comments on the PN. As additional information becomes available on this proposal, please have your project manager contact Melissa Scianni at (213) 244-1817.

Sincerely,

Samuel G. Ziegler
Manager, Wetlands Section

Attachments: EPA letters to the Corps dated June 14, 2004, July 1, 2004, and May 25, 2006
cc: Jason Douglas, U.S. Fish and Wildlife Service, Tucson

¹ EPA letters to the Corps dated June 14, 2004, July 1, 2004, and May 25, 2006.